

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Alison Moffat,

Complainant,

vs.

Hennepin County,

Respondent.

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ORDER RELEASING
PERFORMANCE EVALUATIONS

WHEREAS, Hennepin County has requested a court order authorizing the release of performance reviews since 1993 conducted by the County with respect to Becky Soukup, Karen Harris, Dominic Chlebeck, Janel Rinke, David Rice, Rita Furlong, Sharla Tolbert, and Duane Graves;

WHEREAS, it is appropriate to authorize such release provided that prior notification is provided to the individuals in question;

THEREFORE, IT IS HEREBY ORDERED that the requested personnel reviews shall be released pursuant to Minn. Stat. § 13.43, subject to the prior notification of the individuals in question and subject to the terms of the December 1, 1995, Protective Order issued in this matter.

IT IS FURTHER ORDERED that the provisions of the December 1, 1995, Protective Order are incorporated into this Order, and that all individuals who gain access

to this private data by virtue of the above-referenced legal action, are required to conform to all terms and conditions of the Protective Order.

Dated this _____ day of _____ 1996.

BARBARA L. NEILSON

Administrative Law Judge

Notification to be Provided to Hennepin County Employees

A discrimination charge has been filed against Hennepin County. As part of the lawsuit, attorneys representing the County are seeking access to the performance reviews contained in your personnel files that are dated 1993 to the present. The County anticipates that these performance evaluations may be introduced as exhibits at the hearing, in an attempt to demonstrate that you're better qualified than the individual who applied but was not selected for the job, and that the tests used by the County to create rank order eligible lists are valid. A Protective Order has been issued by the Administrative Law Judge requiring that, if your performance reviews are provided to the complaining party's attorney, the attorney must protect the confidentiality of the information and cannot use the records for any purpose other than the trial in this case and cannot disclose the documents or reveal their contents to anyone else. Furthermore, the documents cannot be reproduced except for preparation at trial, and all documents must be returned to Hennepin County after the lawsuit is resolved.

If you believe that your performance reviews are sensitive or should not be disclosed, you have the right to object to review of these materials by the attorney for the complaining party. To do so, you must send your written objection, specifying the nature of the material you do not wish disclosed, and your reasons for nondisclosure to:

Barbara L. Neilson

Administrative Law Judge

Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, Minnesota 55401-2138

If you do not object in writing by sending your objection to the Administrative Law Judge at the address noted above by Monday, June 17, 1996, it will be assumed that you consented to the disclosure of your performance reviews to the complaining party's attorney and such reviews will be made available to that attorney, subject to the terms of the Protective Order discussed above.

B.L.N.